

REMARKS

The present application was filed on August 7, 2001 with claims 1-49. Claims 1, 25 and 49 are independent. In the outstanding Office Action, the Examiner: (i) rejected claims 1-49 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,681,060 to Acharya et al. (hereinafter "Acharya").

Although Applicants believe that the previously submitted declaration was sufficient to predate the Acharya reference, a new declaration has been submitted under 37 C.F.R. §1.131 with additional exhibits that provide more evidence of conception and due diligence in order to expedite the application through to issuance. The new declaration is signed by the inventors named on the present application. The new declaration and the exhibits attached thereto evidence the conception of an invention falling within independent claims 1, 25 and 49 and at least one or more dependent claims, at least as early as October 30, 2000, and thus prior to the March 23, 2001 effective date of Acharya. The declaration further evidences due diligence in the preparation of a patent application from October 30, 2000 until the filing date of August 7, 2001.

In view of the above, Applicants believe that claims 1-49 are in condition for allowance, and respectfully request withdrawal of the §103(a) rejection.

Respectfully submitted,



Date: February 28, 2005

Robert W. Griffith
Attorney for Applicant(s)
Reg. No. 48,956
Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, NY 11560
(516) 759-4547

Encl. Declaration of Prior Invention under 37 C.F.R. §1.131 (Bergman and Castelli);
Declaration of Prior Invention under 37 C.F.R. §1.131 (Li); and
Exhibits 1, 2 and 3